

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.3)
Eastern Division**

Zafar Sheikh

Plaintiff,

v.

Case No.: 1:24-cv-00658

Honorable Martha M. Pacold

Bashir Chaudry, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, April 23, 2025:

MINUTE entry before the Honorable Martha M. Pacold: The motion of Yakub Chaus, Yakub Chaus & Co., and Nusrat Choudhry to dismiss, [118], is denied. As the motion notes, none of the parties to the motion are defendants in the operative second amended complaint, [113]. They are thus no longer parties to this case and cannot move to dismiss. See *United States v. UCB, Inc.*, 970 F.3d 835, 842 (7th Cir. 2020) ("The power of a non party to force dismissal of another's lawsuit is... unheard of in our law."). The motion argues that the court's order dismissing the first amended complaint, [109], was a dismissal with prejudice under Federal Rule of Civil Procedure 41(b). However, Rule 41(b) governs dismissal of "action[s]." The court's dismissal order, by contrast, dismissed only the first amended complaint, not the entire action. See *Trippe Mfg. Co. v. Am. Power Conversion Corp.*, 46 F.3d 624, 626 (7th Cir. 1995) (discussing the "distinction... between an order dismissing a complaint and an order dismissing the entire action"). The motion also argues that the court's previous dismissal order operates as a dismissal with prejudice of the claims against the defendants not named in the second amended complaint. However, the order, [109], did not dismiss the complaint with prejudice, and it indicated only that the claims would be dismissed with prejudice if defendant did not file a second amended complaint. Because plaintiff did file a second amended complaint, [113], the court did not dismiss the action with prejudice. Accordingly, the motion of Yakub Chaus, Yakub Chaus & Co., and Nusrat Choudhry to dismiss, [118], is denied. However, in light of plaintiff's omission of Yakub Chaus, Yakub Chaus & Co., and Nusrat Choudhry from the second amended complaint, [113], the Clerk of Court is directed to terminate Yakub Chaus, Yakub Chaus & Co., and Nusrat Chaudry as defendants. Motion [121] is denied without prejudice as duplicative of [120]. (rao,)

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